



Department of Environmental Protection

Jeb Bush
Governor

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

CONSOLIDATED JOINT COASTAL PERMIT AND SOVEREIGN SUBMERGED LANDS AUTHORIZATION

PERMITTEE/AUTHORIZED ENTITY:

U. S. Army Corps of Engineers
c/o Mr. Richard E. Bonner, P.E.
Jacksonville District
Post Office Box 4970
Jacksonville, Florida 32232-0019

Permit/Authorization No.: 0080982-001-JC

Date of Issue: March 14, 2003

Expiration Date/

Construction Phase: March 14, 2008

County: Dade County

Project: Dade County Beach Sustainability

This permit is issued under the authority of Chapter 161 and Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62 and 40, Florida Administrative Code (F.A.C.). This permit constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act, and certification of compliance with state water quality standards pursuant to Section 401 of the Clean Water Act, 33 U.S.C. 1341.

This activity also requires a proprietary authorization, as the activity is located on sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.002 and 253.77, F.S. The activity is not exempt from the need to obtain a proprietary authorization. The Department has the responsibility to review and take final action on this request for proprietary authorization in accordance with Section 18-21.0051, F.A.C., and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C. In addition to the above, this proprietary authorization has been reviewed in accordance with Chapter 253, F.S., Chapter 18-21, Section 62-343.075, F.A.C., and the policies of the Board of Trustees.

As staff to the Board of Trustees, the Department has reviewed the activity described below, and has determined that the activity qualifies for a consent to use sovereign, submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. Therefore, consent is hereby granted to the local project sponsor, Miami-Dade County Department of Environmental Resources Management (DERM), pursuant to Chapter 253.77, F.S., to perform the activity on the specified sovereign submerged lands.

The U. S. Army Corps of Engineers (Corps) is hereby authorized to construct the work in accordance with the permit project description and conditions, including the water quality monitoring requirements, and other application documents attached hereto or on file with the Department and specifically made a part hereof. An agreement between the Corps' local sponsor, Miami-Dade County Department of Environmental Resources Management (DERM), and the Department is attached to this permit. This agreement makes DERM responsible for conducting certain monitoring, mitigation, and beach maintenance activities for the protection of natural resources, nesting marine turtles, their hatchlings and their habitat and is enforceable under this permit.

PROJECT DESCRIPTION:

The project is to construct the Dade County Beach Sustainability Project along northern Miami Beach. This project involves nourishment of approximately 1.65 miles between FDEP reference monuments R37.75 and R46.25. The proposed beach nourishment activity involves sand that shall be selected pursuant to the approved sand specifications and that meets the criteria of Section 62B-41.007(2)(j), F.A.C. The beach fill template consists of a 205-foot wide berm, which begins from the Erosion Control Line (ECL), has an elevation of 9 feet above the MLW (with a tolerance of ± 0.5 feet), and has a foreshore slope of 1 foot (vertical) on 15 feet (horizontal). The total construction volume is approximately 600,000 cubic yards over 8700 feet of beach, or approximately 69 cubic yards per foot of beach length.

LOCATION:

The beach nourishment activity is located in northern Miami Beach, Dade County, between FDEP monuments R38.75 and R46.25, on the Atlantic Ocean, Class III Waters, not Outstanding Florida Waters.

GENERAL CONDITIONS:

1. All activities approved shall be implemented as set forth in the drawings incorporated by reference and in compliance with the conditions and requirements of this document. The Corps shall notify the Department in writing of any anticipated significant deviation from this authorization prior to implementation so that the Department can determine whether a modification is required. If the Department determines that a deviation is significant, then the Corps or the local sponsor, as appropriate, shall apply for and obtain the modification prior to its implementation.

2. If, for any reason, the Corps does not comply with any condition or limitation specified herein, the Corps shall immediately provide the Department with a written report containing the following information: a description of and cause of noncompliance; and the period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. Compliance with the provisions of this condition shall not

preclude the Department from taking any enforcement action allowed under state law to the extent that federal sovereign immunity has been waived under 33 U.S.C. 1323 and 1344(t).

3. The Corps shall obtain any applicable licenses or permits which may be required by federal, state, local or special district laws and regulations. Nothing herein constitutes a waiver or approval of other Department permits or authorizations that may be required for other aspects of the total project. Projects shall not proceed until any other required permits or authorizations have been issued by the responsible agency.

4. Nothing herein conveys title to land or water, constitutes State recognition or acknowledgment of title, or constitutes authority for the use of sovereign land of Florida seaward of the mean high-water line, or, if established, the erosion control line, unless herein provided, and the necessary title, lease, easement, or other form of consent authorizing the proposed use has been obtained from the State.

5. Any delineation of the extent of a wetland or other surface water submitted as part of the application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this authorization or a formal determination under Section 373.421(2), F.S., provides otherwise.

6. Nothing herein conveys to the Corps or creates in the Corps any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the Corps or local sponsor, or convey any vested rights or any exclusive privileges.

7. This document or a copy thereof, complete with all conditions, attachments, modifications, and time extensions shall be kept at the work site on the authorized activity. The Corps shall require the contractor to review this document prior to commencement of the authorized activity.

8. The Corps specifically agrees to allow Department personnel with proper identification, at reasonable times and in compliance with Corps specified safety standards access to the premises where the authorized activity is located or conducted for the purpose of ascertaining compliance with the terms of this document and with the rules of the Department and to have access to and copy any records that must be kept; to inspect the facility, equipment, practices, or operations regulated or required; and to sample or monitor any substances or parameters at any location reasonably necessary to assure compliance. Reasonable time may depend on the nature of the concern being investigated.

9. At least forty-eight (48) hours prior to the commencement of authorized activity, the Corps shall submit to the Department a written notice of commencement of activities indicating the anticipated start date and the anticipated completion date.

10. If historic or archaeological artifacts are discovered at any time on the project site, the Corps shall immediately notify the State Historic Preservation Officer, and if a significant deviation is necessary, shall also notify the Department.

11. Within a reasonable time after completion of project construction or a periodic maintenance dredging event, the Corps shall submit to the Department a written statement of completion. This statement shall notify the Department that the work has been completed as authorized and shall include a description of the actual work completed. The Department shall be provided, if requested, a copy of any as-built drawings required of the contractor or survey performed by the Corps.

SPECIFIC CONDITIONS:

1. This permit does not authorize dredging of an open water borrow site. If the Corps accepts a bid from a contractor to acquire sand from an open water borrow site, the Corps will apply for a modification to this permit. The application would include information necessary to process a public easement for the use of Sovereign Submerged Lands, which would be granted to the local sponsor. Dredging of a borrow site on sovereign submerged lands, title to which is held by the Board of Trustees of the Internal Improvement Trust Fund, shall not commence until all public easement documents have been executed to the satisfaction of the Department and a permit modification for this dredging has been issued by the Department.

2. Prior to construction, the Corps will provide two copies of final construction plans and specifications to the Department.

3. At least 7 days prior to the planned commencement date of construction, the Corps will schedule a pre-construction conference to review the specific conditions of this permit and the environmental protection contract specifications with the Corps' contractors, work crews, the Department's permit staff representative, and the marine turtle permit holder. The permittee shall provide a minimum of 7 days advance written notification to the following offices advising of the date, time, and location of the pre-construction conference:

DEP Bureau of Beaches and Wetland Resources
3900 Commonwealth Boulevard, Mail Station 300
Tallahassee, Florida 32399-3000
fax: (850) 488-5257

FWCC Office of Environmental Services
Bureau of Protected Species Management
620 South Meridian Street
Tallahassee, Florida 32399-1600
fax: (850) 921-4369

DEP Southeast District Office
Submerged Lands and Environmental Resources Program PO Box 15425
West Palm Beach, Florida 33416-5425
400 North Congress Avenue
West Palm Beach, Florida 33401
fax (561) 681-6780

4. The attached agreement between Miami-Dade County Department of Environmental Resources Management (DERM) and the Department is enforceable under this permit.
5. In the event that the DERM does not conduct all necessary marine turtle protection and monitoring requirements, the Corps is still responsible for those marine turtle protection measures specified by the applicable U. S. Fish and Wildlife Service Biological Opinion and the plans and specifications for this project.
6. DERM and the Corps shall cooperatively have the authority to direct the contractor to comply with the environmental protection conditions incorporated herein.

Water Quality Monitoring - Turbidity - Nephelometric Turbidity Units (NTUs)

Frequency: Twice daily at least 4 hours apart during all dredging and disposal operations.

7. Open water borrow sites (if approved by the Department) shall be monitored for turbidity as follows:

Background: At mid-depth, at least 300 meters upcurrent from the dredge or discharge point and clearly outside the influence of any turbidity generated by the project.

Compliance: At mid-depth, no more than 150 meters downcurrent from the dredge or discharge point or at the edge of any hardbottom communities (whichever is closer) within the densest portion of any visible turbidity plume.

8. The beach nourishment site shall be monitored for turbidity as follows:

Background: At the surface and 1 meter above the bottom, approximately 150 meters offshore and at least 300 meters upcurrent from the discharge point and clearly outside of the influence of any turbidity generated by this project.

Compliance: At the surface and 1 meter above the bottom, approximately 150 meters offshore and no more than 150 meters downcurrent from the discharge point within the densest portion of any visible turbidity plume.

9. The compliance locations given above shall be considered the limits of the temporary mixing zone for turbidity allowed during construction. During all maintenance dredging and disposal operations, turbidity levels shall not exceed these standards and mixing zone limits. If monitoring reveals turbidity levels at the compliance sites greater than 29 NTUs above the associated background turbidity levels, construction activities shall cease immediately and not resume until corrective measures have been taken and turbidity has returned to acceptable levels.

10. The following measures shall be taken by the permittee whenever turbidity levels at the limit of the mixing zone exceed the standards described in the Monitoring Required section, pursuant to Rule 62-302, F.A.C.:


- a. Immediately cease all work contributing to the water quality violation.
- b. Modify the work procedures that were responsible for the violation.
- c. Notify the Bureau of Beaches and Wetland Resources at (850) 487-4471 and the DEP Southeast District Office at (561) 681-6642 within 24 hrs. of the time the violation is first detected.

Copies of all reports shall be submitted to the Bureau of Beaches and Wetland Resources in Tallahassee and the DEP Southeast District Office on a weekly basis within seven days of collection. The data shall be submitted with a cover letter containing the following information: (1) permit number; (2) a statement describing the methods used in collection, handling, storage and analysis of the samples; (3) a map indicating the sampling locations; and (4) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data.

Permittee: U. S. Army Corps of Engineers
Project: Dade County Beach Sustainability
Permit No.: 0080982-001-JC
Page 7


Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


for Michael Sole, Chief
Bureau of Beaches & Wetland Resources

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, Florida Statutes, with the designated
Department Clerk, receipt of which is hereby acknowledged.


Deputy Clerk Date

Attachments:

Table 1: Marine Turtle Monitoring for Beach Restoration Projects

Figure 1: Marine Turtle Lighting Diagram

Permit Drawings

Miami-Dade County DERM Agreement

Physical and Biological Monitoring Program For Dade County Beach Sustainability Project

Table 1
Marine Turtle Monitoring for Beach Restoration Projects

The following monitoring is required. Reports summarizing the nesting should be submitted to the Tequesta office with a copy to the Tallahassee office by January 15 of the subsequent year. Data for nesting activity shall be collected on the test beach and on two (2) adjacent control beaches. Control beaches shall be similar to the test beach with respect to profile and slope, background light levels, and human activity. Information from test and control areas should be reported separately, and should include numbers of nests lost to erosion or washed out.

Characteristic	Parameter	Measurement	Variable
Nesting Success	False crawls - number	Visual assessment of all false crawls	Number and location of false crawls in test and control areas: any interaction of the turtle with obstructions, such as groins, seawalls, or scarps, should be noted.
	False crawl – type	Length and categorization of the stage at which nesting was abandoned	Number in each of the following categories: emergence-no digging, preliminary body pit, abandoned egg chamber. The length of each false crawl shall also be measured, and distance to the apex of the crawl noted. GPS coordinates shall be collected at the apex of each false crawl.
	Nests	Number, crawl length, position on the profile	The number of marine turtle nests in test and control areas should be noted. The location of all marine turtle nests shall be marked on map of project, and approximate distance to sea walls or scarps measured using a meter tape. GPS coordinates shall be collected at each nest. Any abnormal cavity morphologies should be reported as well as whether turtle touched groins, seawalls, or scarps during nest excavation
		Lost Nests	The number of nests lost to inundation, erosion or the number with lost markers that could not be found
Reproductive Success	Emergence & hatching success	Standard survey protocol	Numbers of the following: unhatched eggs, depredated nests and eggs, live pipped eggs, dead pipped eggs, live hatchlings in nest, dead hatchlings in nest, hatchlings emerged, disoriented hatchlings, depredated hatchlings

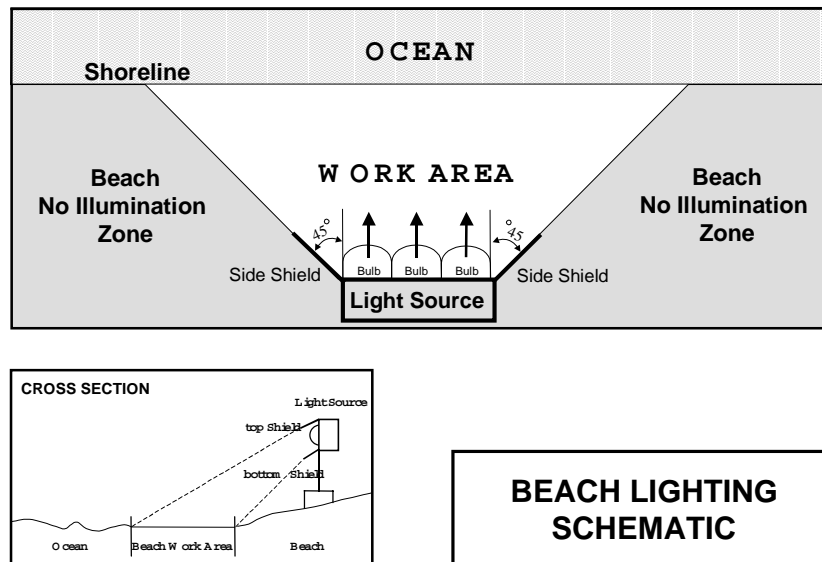


Figure 1. Appropriate placement of lights during beach nourishment if construction occurs during the nesting season.